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Cc: []
From: CN=Hanady Kader/OU=R10/O=USEPA/C=US
Sent: Fri 3/30/2012 5:00:09 PM
Subject: Cordova Times: Stave objections rise on EPA Bristol Bay Watershed Assessment
Margaret Bauman

<http://thecordovaitimes.com/article/1213state-objections-rise-on-epa-bristol-bay>

State objections rise on EPA Bristol Bay watershed assessment

Posted 03/30/2012
by - Margaret Bauman

As fishermen organize nationally to protect the Bristol Bay watershed from potential adverse affects from mining, the state of Alaska is blasting a federal watershed assessment that could justify prohibitions against mine wastes in the watershed.

On March 28, 77 fishing groups and organizations from throughout the United States, including Commercial Fishermen of America and the Copper River/Prince William Sound Marketing Association, signed a letter to the Obama Administration asking for the U.S. Environmental Protection Agency to protect Bristol Bay and its vast natural resources, which include the world's largest wild sockeye salmon run.

"We thank the Environmental Protection Agency for starting a scientific assessment of the Bristol Bay, Alaska watershed," the letter said.

"It is places like Bristol Bay where our industry has the rare opportunity to maintain a resource and a fishery that is still healthy, and has the proven capacity to sustain thousands of fishing businesses, from small family –owned operations to some of the largest seafood companies in the country. Let's protect this fishery, and do it right, while we still have the chance."

The signers urged the EPA to complete the science-based assessment of Bristol Bay, and if supported by that assessment's results, apply its authority under Clean Water Act Section 404© to withdraw waters and wetlands in the headwaters of the Bristol Bay watershed from dredge and fill activity associated with large scale mining operations.

"We're excited to see fishing groups across the country joining forces to support each other in protecting our commercial fisheries," said Beth Poole, executive director, Copper River/Prince William Sound Marketing Association.

The effort launched by the Bristol Bay Regional Seafood Development Association has its own website: <http://fishermenforbristolbay.org/> A video on this website notes that the size of the run is often so strong that if those wild sockeye were extended head to tail, the line would extend all the way from Bristol Bay to Sydney, Australia and back again.

More than 12,000 jobs and a \$350 million dollar commercial fishing industry depend on the abundance of the Bristol Bay fisheries. Together with national fishing organizations and other fisheries stakeholders, they requested in May 2010 that the EPA conduct a thorough assessment of the Bristol Bay watershed and determine if that watershed should be protected under section 404© of the federal Clean Water Act. The Pebble Limited Partnership, created in 2007 by co-owners Northern Dynasty of Vancouver, British Columbia and Anglo American plc of London, was formed to develop a massive copper, gold and molybdenum mine on state lands at the headwaters of the Bristol Bay watershed. The developers maintain they can construct and operate the mine without harming the wild salmon run. Mine opponents feel there is great potential for some 10.78 billion tons of toxic tailings from the mine to disrupt the fishery, particularly in spawning streams that feed into the bay.

On March 9, Alaska Attorney General Michael C. Geraghty wrote a length letter to the EPA, arguing that the assessment was premature, that the EPA lacked authority to be conducting the survey and that this action was in conflict with federal and state law.

Geraghty said that the assessment effort reaches beyond any process or authority contemplated by the Clean Water Act.

Geraghty told EPA Region 10 administrator Dennis McLerran that the state wants the EPA to halt its work on the watershed assessment and refrain from exercising its section 404© authority until a section 404 permit application has been submitted and other applicable regulatory reviews are conducted.

"Deciding the 404© petition without the benefit of a project application and substantial, scientifically vetted project specific information would infringe on the state of Alaska's management and use of state lands," he said. "the state selected lands with natural resource potential to provide for the economic welfare of the residents of Alaska. A premature decision could thwart those objectives, as established by both Congress in the Alaska Statehood Act and the Alaska Legislature in a myriad of state laws," he said. Officials with EPA Region 10 in Seattle said they are working on a written response to Geraghty's letter, while proceeding with the watershed assessment.

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